

Supreme Court of the United States
No. ~~116~~ ~~2111~~ ~~608~~

The Butchers Benevolent Association
of New Orleans

vs. Plaintiffs in Error

The Crescent-City Live Stock
Landing and Slaughter House Company

In Error to the Supreme Court
of ^{the State} Louisiana

Filed 30th August 1870.

Index

5599

UNITED STATES OF AMERICA, SS.

The President of the United States of America,

To the Honorable the Judges of the Supreme
Court of the State of Louis-
iana

greeting:

Whereas, lately, in the Supreme Court of the State
of Louisiana

before you, or some of you, in a cause between

The Crescent City Live
Stock Landing and Slaughter House
Company and George W. Carter, Appel-
lants, and The Live Stock Dealers
and Butchers Association of New Or-
leans appellees, wherein the decree of
the said Supreme Court, entered in
said cause on the 11th day of April
A.D. 1870, is in the following words, viz:

"It is ordered adjudged and de-
creed that the judgment of the Dis-
trict Court be annulled and reversed,
and that there be judgment against
the plaintiffs, dissolving the injunc-
tion and rejecting their demand,
with costs in both Courts."

as by the inspection of the transcript of the record of the said *Supreme Court*

_____, which was brought into the Supreme Court of the
United States, by virtue of a writ of error, _____

agreeably to the Act of Congress, _____

_____, in such case made and provided, fully and at large appears,

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and seventy _____, the said cause came on to be heard before the Supreme Court of the United States on the said transcript of the record, and ~~was argued by counsel, On consideration whereof,~~

on the motion of Mr. J. L. A. Fellows of counsel for the plaintiff in Error, it is now here ordered and adjudged by this Court, that the writ of Error in this cause be and the same is hereby dismissed with costs, and that the said appellant recover against the said appellees The Live Stock Dealers and Butcher's Association of New Orleans.

for their costs herein expended and have execution therefor.
19 Oct. 71

Witness the Honorable *Samuel P. Chase*, Chief Justice of said Supreme Court,
the first Monday of December, in the year of our Lord one thousand eight hundred and
seventy 

Clerk . . . \$

Attorney . . \$

§

Tured by

Leopoldstadt

Clerk of the Supreme Court of the United States.

No. 243, Dec. TERM, 1870.

MANDATE,

SUPREME COURT UNITED STATES.

I. J. Deane's Mother
Care of Dr. D. W.
The C. C. S. S. Co.

No 50 The Butchers' Benevolent Association of New Orleans

v. The Crescent City Live Stock Landing & Shipping Co

No. 61. The Same v. The Same

Ordered that there can be continued and argued at the next term.

Sup Ct U.S.
D.S. 1871

~~Nos 60 & 61~~
8 & 9

Order in relation
to reargument

179.72

Supreme Court of the United States.

December Term: 1869. No. 476.

Butchers Benevolent Assn
of New Orleans J.E.
vs.

C. C. L. S. L. & S. H. Co

Rec'd from the Clerk a copy of the record, as Counsel for depts in error -

Charles Allen

Supreme Court U. S.

1869 DEC. TERM.

No. ~~476~~ ~~2114~~ ~~60~~
8

Rec't for Rec'd.

FILED Nov 4th 1870.



Supreme Court of the United States.

December Term, 1869. No. #76.

Butchers Benevolent Association
of New Orleans. PE
VS.

Crescent City Live Stock Landing
and Slaughter House Co

The Clerk will enter my special appearance as Counsel for

depts in error -
Charles Allen
30 Court St
Boston

Supreme Court U. S.

1869. DEC. TERM.

No. ~~476~~ ~~244~~ ~~60~~
8

Præ. to enter special app'e.

FILED Nov 4th 1869

Supreme Court of the United States.

December Term, 1871. No. 61.

*The Butchers Benevolent Assn
vs.*

The C. & S. S. Slaughter House Co

The Clerk will enter my appearance as Counsel for

Deftn E
Thomas J. Durant.

Supreme Court U. S.

187/. DEC. TERM.

No. *608*

A P P E A R A N C E.

FILED *Dec 4th* 1871.

Supreme Court of the United States.

December Term, 1877. No. 8.

Butchers Benevolent Assn
J. M. vs. R. F.

vs.

C. L. L. & Haughton & Co

The Clerk will enter my appearance as Counsel for

Officer Error

A. R. MacFarland

2. 10. 1877

1877

1877

1877

Supreme Court U. S.

1872. DEC. TERM.

No.

APPEARANCE.

FILED

Dec 3

, 1872.

Supreme Court of the United States.

December Term, 1871. No. 60.

The Butchers Benevolent
Assocn vs. J.E.

C. C. L. L. L. vs. House Co

The Clerk will enter my appearance as ^{of} Counsel for *Plffs in Error*

J. M. Johnson

Supreme Court U. S.

1871. DEC. TERM.

No. *W 8*

Præ. to enter app'e.

Filed Dec 15th 1871

Supreme Court of the United States.

December Term, 1871. No. 244.

The Butchers Benevolent
Assn of N.O. vs. J.E.

The Crescent City Live Stock
Landing & Slaughter House Co
J.E.

The Clerk will enter my appearance as Counsel for

J. L. A. Fellows

Supreme Court U. S.

1870. DEC. TERM.

No. ~~244~~ ~~600~~ 8

A P P E A R A N C E.

FILED Oct 16 1871.

Supreme Court of the United States.

December Term: 1879. No. 476.

Butchers Benevolent Assn
of N. C. vs. P. E.

C. C. L. S. L. and S. H. L.

Rec'd from the Clerk a copy of the record, as Counsel for Deft in Error

J. S. Black

Supreme Court U. S.

1869 DEC. TERM.

No. ~~176~~ 244 68

Rec't for Rec'd.

FILED

Jan 10th 1870

✓

Supreme Court of the United States.

December Term, 1864. No. 476.

Butchers Benevolent Assn
of New Orleans

vs.

Jeff in Error

The Crescent City Live Stock Lan-
ding & Slaughter House Co

The Clerk will enter my special appearance as Counsel for

Jeff in Error

W. Black

Supreme Court U. S.

1869. DEC. TERM.

No. ~~446~~ ~~244~~
608

Præ. to enter special app'e.

FILED

Oct 10th 1869.

Supreme Court of the United States.

December Term: 1869. No. 476.

Butchers Benevolent Assn
of N.O. vs. F.C.

C. C. L. S. L. vs S. H. Co

Rec'd from the Clerk a copy of the record, as Counsel for

Alfred Evans
P. H. M. P.

Supreme Court U. S.

18⁶⁹ DEC. TERM.

No. ~~478~~ 24460.

Rec't for Rec'd.

FILED

Nov 5th 1870.

Supreme Court of the United States.

December Term, 1869. No. 476.

Butchers Benevolent Assn of New
Orleans P.E.

VS.

Crescent City Live Stock Landing
& Slaughter House Co

The Clerk will enter my special appearance as Counsel for

Pff in Error
P. Phillips.

Supreme Court U. S.

1869. DEC. TERM.

No. ~~476~~ ~~2114~~ 60
8

Præ. to enter special app'e.

FILED Nov 5th 1869.

No. 8.

Supreme Court of the United States.

December Term, 1872.

The Butchers Benevolent Association
of New Orleans - Plaintiffs in Error

The Crescent City Live Stock Landing
and Slaughter House Company

In Error to the Supreme Court of the State of Louisiana

This cause came on to be heard on the transcript of the record
from the Supreme Court of the State of Louisiana,
and was argued by counsel.

On consideration whereof, It is now here ordered, adjudged & decreed
by this Court, that the decree of the said Supreme Court,
in this cause, be, and the same is hereby, affirmed with costs

Dissenting
Mr Jus Field
" " Bradley
" " Swayne
Mr Ch Jus Chase

Pr. Wm Miller
14 April 1873

SUPREME COURT U. S.

No. 8

DECEMBER TERM, 1872

JUDGMENT.

60,61,62

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

5- THOS. T. ECKERT, Gen'l Sup't,
NEW YORK.

WILLIAM ORTON, Pres't,
O. H. PALMER, Sec'y, } NEW YORK.

Dated Bristol Tenn Dec 14 1871

Received at

12m

Edw Middleton

Clerk Supreme Court

Missed connection here
have cases continued
till Tuesday if possible

J 2a Fellows

10 Pd
H 3

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

NR

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

TELEGRAPH COMPANY

No 64172
8-9-10

J. D. A. Fellows

71 Dec 14

f " "

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

WHERE A REPLY SHOULD BE SENT

Direct of the

66112 - New Orleans Nov. 28th 1871
 J. W. Middleton Esq

L. W. Middleton Esq

Dear Sir

June 9 22nd inst
 with inclosure & remittance
 come solely to hand - I can
 now settle with these clients
 when comes I desirous -
 Judge Campbell is anxious
 to know - as I can also - if any
 dog was fixed for the trial of
 the other slaughter house costs -
 if there was, please let us know
 the reports also, in case there
 was not, that you telegraph us
 in time for the cases when
 they will be worked -

Very truly
yours

A. L. A. Feltou

~~No 64-172~~
8-9-10

J. L. H. F.ellow

71 Nov 28

" Dec 2

Inst. C.

601✓

New Haven Dec 15th 1871.

D. W. Middleton Esq
c/o U. S. Sup Court
Washington D. C.

Dear Sir

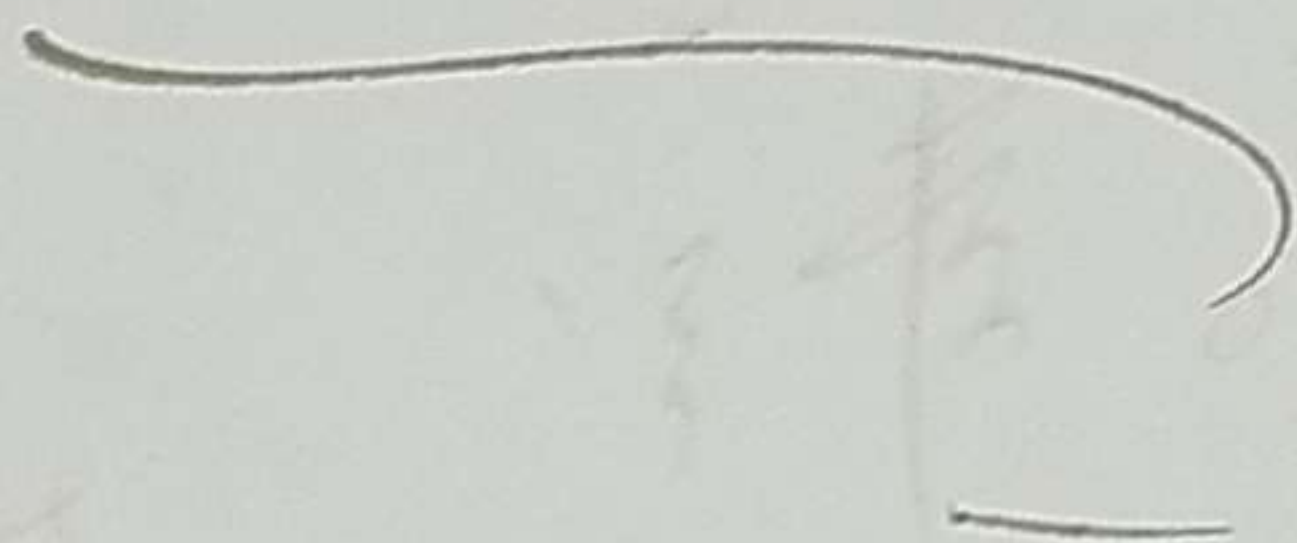
I mail you to day
fifteen briefs in Slaughter house cases.
I will bring the balance of the Nos.
with us - Judge Campbell & myself propose
starting Thursday so as to be on hand Monday
& shall unless a telegram or letter is
received from you in the meantime
stating that it is not necessary to be in
Washington so soon - We are looking
hard for telegram every day, but if not
received before this reaches you of course
it will then be too late to work as here.

Respectfully Yours
J. J. A. Fellows

No 60-102
89-10

J. L. A. Fellows

71 Dec 5



Wash. D.C., 28 Dec. 1871.
S. W. Middleton Esq
Dear Sir,

I wish to
have the transcripts in all the Slough
ter House Cases, except No. 61 of
this term, which I have already.

Those I desire to have are the
three dismissed at last term viz
then Nos 475, 477 ^{and} ~~for~~ 478 -
and Nos 60 and 62 of this
term: please give them to
Mr Trudeau the bearer: and
let him have a blank receipt
which I will sign and
return to you.

I am

Yours respectfully

Thomas J. Durant.

~~No 604e~~
8-9+10

Thos. J. Durant

71 Dec 28

— — —
—

Nov 20 71

Hon Matt H. Carpenter,
Milwaukee. Wis

Dear Sir Milwaukee Nov 17. 71
Yours of the 17th
hand.

Shall the House case
continued to next term
will be for argument early in
December House cases?

Olcott to Fond-du-lac will
not be reached at the present
time cases may be reached before

Dec. Can Goldsmith
be reached? Wm K. Kenny

Yours truly
Wm H. Carpenter

Milwaukee Nov 19, 71

Dear Middleton

What has the Court done with
the Slaught's House Cases?

Is there danger that any other
of my cases may be reached before
Decr. Can Ocott or Ford do this. Can
be reached?

Yours truly

Wm H Carpenter.

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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THOS. T. ECKERT, Gen'l Sup't,
New York.

WILLIAM ORTON, Pres't,
O. H. PALMER, Sec'y, } New York.

Dated *Atlantic City Nov 15* 187*1*

Received at

7 30 PM

To *D W Meddleton*

Clerk Supreme Ct

*Respectfully request the Court
to excuse me till the
first or second
Monday of December
my doctor says
I ought not
to work before*

Matt H Carpenter

23/57 us

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

511 PALM AVE. NAT'L HOTEL.

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

THE TELEGRAPH COMPANY

WILLIAM ORTON, Pres.
O. H. PALMER, Secy.

1871

Nos 911190
~~888~~

Matth. Carpenter

71 Nov 1871

THIS TELEGRAM WAS JUST RECEIVED AT THE OFFICE IN

WHICH A REPLY SHOULD BE SENT

Direct Office

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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THOS. T. ECKERT, Gen'l Sup't,
New York.

WILLIAM ORTON, Pres't,
O. H. PALMER, Sec'y, New York.

Dated Milwaukee Wis N 14 1871

Received at 3K

To D N Middleton

What Has Become of Slaughter
House case.

Matt H Carpenter
70d XOK

Case not yet continued
When can you be
here
Brown



THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

511 PA. AVE. NAT'L HOTEL

WHERE ANY REPLY SHOULD BE SENT

Direct Wires.

~~No 24470 60~~
8

M. H. Carpenter

Nov 14

" " "

M. H.

8.9.10

31 St Paul Street
Baltimore Md

Daniel. Wesley. Middleton Esq
Clerk. U. S. Supreme Court
Washington D C

Dear Sir

By Judge Campbell's
direction I have sent per
mail of today, twenty
printed Copies of the argument
made by him before the Supreme
Court in the Staughton House
Cases from Louisiana, which
you will oblige him by laying
before the Court

Two copies
sent recd and
distributed
JEB 21

Yours very respectfully
Duncan G. Campbell

No 8, 9 & 10

D. H. Campbell

73 Feb

" " 4 1

W. H.

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't,
NEW YORK.

91 WILLIAM ORTON, Pres't,
O. H. PALMER, Sec'y, } NEW YORK

Dated New Orleans Dec 11 1871

Received at

3 30 P

J. D. W. Meddleton

Clerk U.S. Sup
Court

When will Slaghter
House Cases be
reached our windy
J. G. A. Fellows
13 Commercial
Place

9/10
csst

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN:

511 PA. AVE. NAT'L HOTEL.

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

No 602

J. L. A. Halloway

71 Dec 11

— — —

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't
New York.

WILLIAM ORTON, Pres't,
GEO. H. MUMFORD, Sec'y, } New York.

Dated *New York Jan 31* 187*3*

Received at *Chicago*

To *W Middleton*

Clerk of Sup Court

*Kindly write me in
what order the cases
assigned for february third
will come on*

W W Macfarland

15 Pards

*Ans by letter Bulcher
Cases first. Penn & RR Cases
next.*

73 Jan 31.

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

House of Reps

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

No 84c

M. MacFarland

78 Jan 31

Auth

8.9.10

Washington D. C. 31. Dec. 1872

O. W. Middleton Esq

Dear Sir, Jan 73

I wish to have printed
Thomas J. Durant Esq in Manuscript,
ed at the matter, now in Manuscript,
which was filed for and against the
Motion formerly made. I will have copies
of all the papers filed
on the motion to discuss
the merits of each for the
next Congress House case,
made for your reference the law does
not require them to go to the printing
done by the Government Printing Office,
then I will have copies made
for me, at your convenience, that
I may have them put in type elsewhere.
Respectfully yours,
of the printer.

Respectfully

Thomas J. Durant

4 1/2 St. P. 223.

Supreme Appeal,
Hemen, in his digest, draws

Washington D.C. 31. Dec. 1872
Middleton Esq,
Dear Sir,

I wish to have printed all the matter, now in Manuscript, which was filed for and against the Motion formerly made to dismiss the writ of error in the Slaughter House Cases, which are fixed for 3d February next.

If in your judgment the law does not permit you to have the printing done at the Government Printing office, then I will thank you to have Copies made for me, at your earliest convenience, that I may have them put in type elsewhere.

Wishing you the Compliments
of the season.

Respectfully

Thomas J. Durant
4 1/2 St. No. 223.

N Orleans

10th Nov 14 87

Dr. Middleton Esq
Sumner & Mott Esq
New Orleans

Yours of the 10th inst. has
been recd. The cases in the
three slaughter house cases
have been dismissed - and
three are still pending - and
I slaughter house cases
were parties to the same
dismissed - I am
with great oblige
Yours most truly
Sumner & Mott

10th Nov^r 1871

J. Middleton Esq
Clerk

Dear Sir

We desire to know
whether all the Cases in the
Supreme Court in which the
Crescent City Live Stock Land &
Slaughter House Company
were parties have been ~~resolved~~
dismissed - and Earl nph

with greatly oblige

Yours most truly
James Colloth

No ~~244~~ ~~608~~

Sennius & Mott

71 Nov 10

" " 14

Ans. C.

Mem. as to Injunction, & Suspensive Appeal,
From the authorities, Mr. Heenan, in his digest, draws
the following rule:

As a general rule, the jurisdiction of the
appellate Court attaches as soon as the appeal bond
is filed and the citation issued; and the lower court
has no longer authority to take any steps but such as
may be necessary to transmit the record to the Supreme
Court, or, by a provisional and conservatory order, to
secure the ultimate execution of the appellate
judgment" Hen. Dig. N.E. vol. 1, p. 73, Old Ed., p. 73,

There are two cases in which the right of plaintiffs
in injunction to suspend the judgment setting the
injunction aside by a suspensive appeal. They are
State of La. & Judge of First District in 19 La. R., p. 18,
and City Bank of Mo. & Walden 2, Mo. R., p. 18,
but this is in keeping with the above general
rule -

The above general rule is sustained by cases.
5, New Series, 464 - 47 La. R., 205, 7 La. 446, 9 La. 49, 10 La. 482
11 La. 199 - 15 La. 385, 19 La. 161, 9 An. 309, 11 An. 728
State as stockholder vs Judge 5 Dist. Ct. 21 An. 152, "After
a suspensive appeal has been allowed and the
bond is signed and filed, the Judge of the Court
a year has no jurisdiction in the case
further than to ascertain that the security is
good and solvent, ibid."

There are undoubtedly cases where, from the
nature of the case, a preliminary or final injunction
could not be stopped or vacated by a suspensive
appeal, such as when an irreparable injury would
be sustained, as of cutting down of forest trees

superior to in *De Lu Croix* or *Heller* 11 Am 39 and
Knabe or *Lennet* 14 Am 847, & 14 Am 57.

But clearly when such is not the case, a suspensive
appeal supported by a bond sufficient to cover
all damages, the suspensive feature of the
appeal or writ of error should apply as
much to the decree of the Court sustaining
the writ of injunction as to any other part
of the judgment.

Suppose no preliminary injunction should
have been asked for, but asked for on final
hearing of the case, and such final judgment
should decree a perpetual injunction, then
can be no question that a suspensive appeal
would stay the injunction; but ⁱⁿ what, in the
nature of the case, is there a difference between
such a case and one wherein a preliminary
& ex parte injunction is obtained.

A preliminary injunction is only temporary
& is merged in ^{the} final judgment, and from which the
whole of which, the appeal is taken.

Again, in the late case of *State* or *Lodge* of 6th Dist
Court 20 Am 530, this whole doctrine is stated
thus - "We find therefore, that the right to some sort
of appeal, in a case like the present, exists and
we cannot discover any provision of law which prevents
such an appeal from being taken in the suspensive
form - A careful examination of Arts 164, 15, 158-
& 180 of Code Practice, shows that the right to a
suspensive appeal is the rule, and that it stays
proceedings, except in cases specially excepted."
(Then exceptions are found in Art. C. P. 180)

And in the case of State, ex rel. Cain vs Judge of the
6th District Court, 20th. 1874, the doctrine contended
for by us is fully recognized - It declares "that
the right to a suspensive appeal is the rule, and it
stays proceedings, except in cases specially
excepted C.P. 1-61-1875, 1880 and 20th. 1879," and
that "the presence, in a final judgment on a
writ of pro warranto, of an interlocutory ~~injunction~~
order of injunction will not defeat the defendants
right to a suspensive appeal from this
judgment, because the injunction has not
been tried on its merits"

In the Supreme Court of the U. States

The Butchers Benevolent Association of New Orleans

Docket of the Sup. Court No. 4176-480

vs
Lafayette City Live Stock Landing & Slaughter house Co

The defendant well take notice that
on the first Friday in November 1870 the plaintiff,
well move the Supreme Court, for writs of Superceas &
injunction to be addressed to the Mayor of the City of
New Orleans & Metropolitan Board of Police to command
them in no wise, to prevent, hinder or in any way
plaintiff in having keeping, maintaining or using stock-
landings, wharves, pens yards slaughter houses and abattoirs
or for having, keeping, landing, slaughtering in the City of
New Orleans or the parishes of Orleans St. Louis Bernice
Jefferson animals for sale or slaughter at such places
and to send their animal food for sale in the
markets without any reference to the act No 118 passed
8th March 1869 & described in the records & proceedings
in the said court in the said causes pending in the
Sup. Court of the U.S.

J. A. Campbell

Plffs attys

Oct 17 1870

Personally appeared J. B. J. Arnould who
being duly sworn says that on Friday the
21st day of October 1870 he received a copy of
the foregoing document on L. E. Lemarie
President of the Crescent City Live Stock
Sonding & Slaughter House Co. in person.
J. B. J. Arnould

Subscribed & sworn to before me, this 22nd day of October,
A.D. 1870.

W. H. Lee, Notary
Dist. of La.

In the Supreme Court of the United States

Washington City

The Butchers benevolent association of New Orleans
The Crescent City. Supreme court docket No 476
Live stock landing & Slaughter house company no 480
To

The City of New Orleans & the Metropolitan
Board of Police

You will take notice that on the
first Friday of November 1870, a motion will be made in
the said Supreme court, in the said cause, for writs of
Injunction & supercedas to command you to desist
& desist from any and all acts to hinder or to prevent
the defendants from moving, keeping, establishing or using
stock landings pens, yards slaughter houses or abattoirs
in the city of New Orleans, & parishes of Orleans Jefferson
& St Bernard in Louisiana for the preservation protection
slaughtering or preparing for market any animal food
suitable therefor - or from vending or offering to vend
food not slaughtered & inspected at the houses of
the defendants. The grounds of the motion and the
verdicts & affidavits are on file in said court
in the said cause.

J. A. Campbell

Octo. 17. 1870

attor for plff

Personally appeared J. B. G. Arnaud who
being duly sworn says that he received a copy
of the above document upon Benjamin F. Glendon
Mayor of the City of New Orleans upon Oscar J. Deane
President of the Board of Metropolitan Police in person.
Subscribed before me, }
the 22nd of October, A.D. 1870.

Merriam Arnaud

Chas. S. Rice, Clerk, Dist. Ct.

^{476. 480}
Sup: Court N. O.
1869 Dec Term

~~2111-8~~
Nos ~~4764-480~~

~~664-67~~

~~875~~

Butcher Benevolent
Association of N. Orleans

D.

Orscent City Live Stock
Landing & Slaughter House
Co.

Service of Notice

Filed 24th October 1870

In the Supreme court of the United States
Washington City

Wm Hagen & others
vs

No 417, Docket of Supreme Court
W. J.

The State of Louisiana on the
relation of Simon Bolivar
Attorney General

In error to the Supreme court of Louisiana

The plaintiffs in this suit give notice to the
defendants, to the Metropolitan board of police, the city
of New Orleans & Thomas Maxwelle Sheriff of the parish of Or-
leans that on the first Friday of November A.D. 1870 they
will move the Supreme Court aforesaid in the suit aforesaid
for writs of Supercedas & injunctio and other restraining
process requiring and enjoining them said parties not to
prevent or hinder the said plaintiffs from having using estab-
-lishing any stock landings wharves piers, abattoirs or
slaughter houses or maintaining keeping preserving or landing
any cattle, hives swine sheep or other animals
suitable for sale or slaughter in the same or for
rendering animal meat for food suitable therefor or
offering to render the same in the parishes of Orleans
Jefferson & St Bernard & in the city of New Orleans
& that the writs which have been issued from
the 8th district court be superseded & their property
restored to the said plaintiffs & that the plaintiffs be
maintained therein till the final order of this
Court.

John A Campbell

attorney for plaintiffs

17 Oct 1870

Personally appeared J. B. G. Arnould

who being duly sworn says that on Friday the
 21st of October 1870 he received a copy of the
 foregoing document upon Benjamin G. Glendon
 Mayor of the City of New Orleans, upon Oscar J. Deane
 President of the Board of Metropolitan Police,
 upon Simon Bolden Attorney General of the
 State of Louisiana in person, upon Henry Clay
 Warmouth Governor of the State of Louisiana by
 delivering the same to J.C. Perwick his private secretary
 in the Governor's office, the said H.C. Warmouth being
 absent at the time & upon ~~John D. Thomas~~ Thomas L.
 Maxwell Sheriff of the Parish of Orleans by handing
 the same to his Chief Deputy J.D. Dick. ~~at his~~ His
 office the said Sheriff being absent at the time.
 Mewais Amoult

Subscribed & sworn to before me, this 22nd day of Oc-
 tober, A.D. 1870.

Sup: Court W.D.
 1869 & 1870 term
 No. ~~479~~ 247
 Paul Estetren val

State of Louisiana
 J. Bolden - Atty Gen.
 Service of Notice
 Filed 27th October 1870
 J.C. Perwick
 Sec. of the

Dep. Comm. S.
1869 Dec 10
No 1449 ~~244~~

Estlin, Fugate

The State of Louisiana
Ex. Off. J. B. Allen
Attorney General

Recd 17th Oct 1870

L. A. C. for, 1870

Memoranda for Mr Middleton
17 Oct 1870

There are five motions contained in the
papers submitted but in cases 4176 &
4180. the motion is included in the
some ^{statement} ~~motion~~ _____

I wish them entered in the follow-
ing order on the Motion docket as
follows

No 1. in case no 4179 to be first
=

No 2 in case 4177 to be second

No 3 in case 4175

No 4. in 4176 4180 of the regular
docket

In No 1 above the affidavits and
records, are filed as exhibits to the
Motion submitted _____ that is to
say affidavit X & Exhibit B

also in No. 1. Affidavit Z & Exhibit

50 copies—
others 25 "

A + Z - 50

B + X - 25

A - then include all the papers

But in the motions 2. 3. 4. Affe
don't I exhibit A is an
exhibit in each of these, but
not exhibit B & affidavit X

The printing of the motions and of
the exhibits should be separate &
copies for all of the motions should
be made of Exhibit A & affidavit
_____ and copies of Exhibit
B & the affidavit DK should
be made only in No. 1 of the motions.

The notices we have sent
out to be served.

The return is the 1st
friday of Nov -

The money deposited by the
depts can be used to pay costs of
printing John B. Campbell

1869 Dec Ten

~~243~~
Nos ~~449~~ ~~244~~

~~60 + 10~~

8-9-10

Judge Campbell

Memo. about

Country Motions

Printer bills

✓

169 St Paul Street
July 2^d 30 D 1871

My Dear Hon J. A. Campbell
N^o 169 St Paul St Baltimore Md
Dear Sir
I have your favor of the 30th reached
at dusk & accepted in evening of the
I think the Slaughter House
Cases will be reached about
Thursday the 11th instant.
Have docketed the Miltenberger
Case N^o 550
Very very yours
J. A. Campbell
J. A. Campbell

I have your letter with the
drafts - Miltenberger case
person docketed He will send
the deposit as I will take care
of it

169 St Paul street

Baltimore 30 12 1871

My dear Sir

Please tell me if
possible, the day the Butcher
cons will come on. I reached
here late Friday evening of the
22^d. quite sick & exhausted &
have hardly left the house since.
I hope to be able
to argue the case next after
next.

Truly Yrs

J Campbell

I have your letter with the
drafts - Milton has just com-
pleted docket He will send
the deposit as I will take care
of it.

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't,
New York.

WILLIAM ORTON, Pres't,
GEO. H. MUMFORD, Sec'y, } New York.

Dated

rafton W Va Dec 2d 1872

Received at

Ham
G W Middleton

Clerk In Court

Will Court adjourn
till Wednesday answer
to Relay house
J A Campbell

J Paudus

Court will adjourn
until to-morrow
Tuesday -

72 Dec 2

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE !

House of Reps

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

1880

St. Humphreys

Dec 2

1880

Nov 23 71

Hon J. B. Campbell
New Orleans La

Dear Sir

Copies of the 18th inst
daily received

The Court will not fix a
day for the argument of the
Munghter House cases -

I will as soon as the docket
is made up for the next term
advise you as to the probable
time of the case being reached.

Very Truly Yours

Wm W. Miller

Wm W. Miller

I write to you
to express my respect

Now I am in

Norfolk

13. Nov, 1871

My Dear Sir

I have a letter from Mr Fellows to the effect that Mr Carpenter desires to fix the cases the 1st or 2nd Monday of December. If the Court would place the copy for argument on the 2nd or 3rd Monday of December or by other day we should prefer it. I write to you to express my preference.

~~No 2111~~
~~608~~

J. A. Campbell

71 Nov 18

" " 23

Ans. C.

67-61-62

Opposition Line! Prices Reduced!

Franklin Telegraph Co.

Lines East, West, North & South.

TERMS AND CONDITIONS.

The rules of this Company require that all messages received for transmission shall be written on the message blanks of the Company, under and subject to the conditions printed thereon.

J. W. BROWN, Pres.

J. G. SMITH, Supt.

BLANK No. 1.

3

Dec 19th 1871

By Telegraph from Louisville Ky

To D W Middleton Esq

Clk Sup Court

Missed Connection when
must I be in Washington
for business

Motion to dismiss I A Campbell
your case will answer case
be heard Friday
10th 20th 21st
Gaet House

This message has just been received at the office,

Show this to Mr. Fellows if
he is in the office
burn

Opposition Line! Prices Reduced!

Franklin Telegraph Co.

Lines East, West, North & South.

TERMS AND CONDITIONS.

The rules of this Company require that all messages received for transmission shall be written on the message blanks of the Company, under and subject to the conditions printed thereon.

J. G. SMITH, Supt.

J. W. BROWN, Pres.

261,600

J. A. Campbell

71 Dec 19

Blank No. 1

1871

Full

This message has just been received at the office.

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't, }
New York. } 2

WILLIAM ORTON, Pres't, }
O. H. PALMER, Sec'y, } New York.

Dated Harrisburg Pa Dec 22 1871

Received at K 850 am

To J W Middleton

CLK Supreme Court

Have missed connections
will come eleven o'clock
train if possible

J. A. Campbell

10 p.m.
x2

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

511 PA. AVE. NAT'L HOTEL

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

No 60-75

8-9-10

J. A. Campbell

71 Dec 22

"

"

"

—

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't,
NEW YORK.

WILLIAM ORTON, Pres't,
O. H. PALMER, Sec'y, } NEW YORK.

Dated *New Orleans La* 10 1871

Received at

11:10 am

To *L. W. Middleton*

*What number on
docket Reached when
Must we come
answer,*

*Wp I. A Campbell
27 Court Place*

LH

*Come immediately - Call
reached Monday or Tuesday
G.M.*

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

511 PA AVE. NAT'L HOTEL

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

No. 2448
8

J. A. Campbell

71 Nov 10

" " "

Ans. H. C.

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

WHERE ANY BREVET SHOULD BE SENT

Blank No. 1.

199-440hu
THE WESTERN UNION TELEGRAPH COMPANY.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, Gen'l Sup't, }
New York.

WILLIAM ORTON, Pres't, } New York.
O. H. PALMER, Sec'y, }

2/ Dated Louisville Ky 12/187

Received at

To D D Middleton

Clerk Supreme Court

MS W

I shall reach Washington

Monday ready for

Butcher Cases Tuesday

J A Campbell

J P D

This Message just received at the Office of the
WESTERN UNION TELEGRAPH COMPANY,

Cor. 14th St. and Pennsylvania Ave.,

Where any reply should be sent.

Direct Wires.

~~No 64~~

8-9-70

J. A. Campbell

7, Nov 12

No 1

In the Supreme Court of the United States.
Adjourning term, commencing 3rd October 1870

Wm Hagan and others, plaintiffs
vs
No 449 Docket
Supreme Court

The State of Louisiana, on the relation
of Simeon Belden, Attorney General.

The plaintiffs in this court, in the cause of the title and number on the docket above stated by Attorney come and represent to the court, that it appears by the record filed, that during the month of May 1870 they obtained the writ of error and citations from the Hon J P Bradley - a Justice of this court, and gave a bond approved by him, and duly served a copy of the writ of error allowed by him, within ten days from the final judgment in the cause in the Supreme Court of the State of Louisiana between the parties aforesaid, to which the said writ applied, and is now on the docket of the number aforesaid, and that the said writ of error thus was a supersedeas and that no proceedings should have been taken to enforce legally have been taken to enforce that judgment after that, in the Supreme Court of the State or any inferior court -

2nd The said Simeon Belden, Attorney General in the name of the State, with knowledge of the facts aforesaid on the 2nd of June 1870 moved the 5th District Court of the Parish of Orleans, where it had been in the first instance commenced, & from whose judgment the appeal had been taken before the 3rd District Court was

was established or organized, to the 8th District Court of the Parish of Orleans, where it had never been and this was done - Thereupon the said Simon Belden moved the said 8th District Court of the Parish of Orleans, for an enforcement of the judgment of the Supreme Court of the State, and in the same Court moved the Court for an attachment against the plaintiffs for a breach of the injunction, that had been originally issued in the said cause, by the 5th District Court & thereupon such proceedings were had in the said Court, on said motion, as to lead to the entry and execution of an order to the effect following - that the Sheriff be, and he is hereby instructed and required to enforce the preliminary injunction issued herein, and to prevent further violation of the same, until the final decision of the Supreme Court of the United States, or the further order of this Court - The Clerk will forthwith furnish the Sheriff a copy of the said writ of this order for his guidance - Defendants to pay costs -

And thereupon the Sheriff of the Parish aforesaid, Thomas L. Maxwell by his deputy has returned, that in compliance with an order of the Court, and in order to enforce the preliminary injunction herein issued, the Sheriff placed one of his deputies in charge of the premises described in the proceedings of the cause, to prevent the persons or corporation therein mentioned, from erecting wharves, docks, ways etc, etc on said premises, from receiving, keeping, grasping or preserving any bees, cattle, cows or any other animals designed for human food in the parishes of Orleans, Jefferson, or St Bernard & from slaughtering any such animals in said parishes, except at the building of the

of the Crescent City live stock landing & slaughter
 house company — and these plaintiffs aver
 that the said Sheriff has continued to maintain
 his charge of the said premises, for his purpose
 aforesaid from thence, to this time —
 The said plaintiffs aver, that after the issue
 of the writ of error, the filing of the bond in the
 same, and the service of a copy of the writ of
 error aforesaid, by filing the same in the clerk's
 office, and the service of citation all within ten
 days from the date of the final order of the
 Supreme Court of Louisiana, in the cause aforesaid
 in June 1870, the Crescent City live stock landing
 & slaughter house company in June 1870 filed
 in the 8th District Court of the parish of Orleans
 a petition, which recites in general terms, the act of
 the 8th of March 1869 of the General Assembly
 of Louisiana aforesaid, and which contained the
 incorporation of said last mentioned company and
 claiming of that Court, that the corporation of the
 City of New Orleans, & the board of Metropolitan
 Police shall enforce the same, and therein applied
 for & obtained an order of the Court to enforce the
 said corporation, and the said board of police to
 prevent any & all persons from landing, keeping
 or slaughtering, any cattle, horses, sheep, swine or
 other animals, or from having, keeping, or establishing
 any stock landings, yards, pens, slaughter houses
 abattoirs, at any point or place within the city of
 New Orleans or the parishes of Orleans, Jefferson, and
 St Bernard, except the said corporation — to prevent,
 any and all persons from selling, or offering, from
 selling, or offering for sale, in the city of New Orleans
 any animal, meat for human food, not slaughtered
 or inspected at the slaughter houses of said corporation

And the said Simon Belden Attorney General of the State aforesaid did intervene in said cause, and adopt the petition, and pray for the execution of the said act of the Legislature, as prayed for in that petition, which corresponds with the petition filed in the case, wherefore this Court by writ of error as aforesaid - all of which will more fully appear by a reference to the affidavits, and a copy of the record filed, and the original record -

And whereas it doth most manifestly appear from the record, in the cause aforesaid, and the records and affidavits filed, showing the proceedings in the Eighth District Court, that the object and design and operation of the same, has been to evade and to disobey the writ of error aforesaid; and the Supremacy implied from the facts aforesaid and to show contempt to the same - And whereas the said plaintiffs do maintain that they are authorized to have peace, enjoy, and use their property specified in the proceedings aforesaid, and to pursue their lawful avocations, without molestation, from the State of Louisiana or its Attorney General, or its corporations and boards of police aforesaid, the plaintiffs do move this Court for a writ of Supremacy, and injunction directed to all of the said parties, State of Louisiana, and Simon Belden Attorney General, the City of New Orleans, the Metropolitan Board of Police, & Resident City live stock landing and slaughter house company & commanding them to suspend all efforts and attempts to enforce against these plaintiffs, any of the prohibitory clauses of the said act of the 8th of March described in the proceedings of the said act as affect the said plaintiffs in the set forth in

in the act aforesaid, or which prohibits their use of their property mentioned in the said proceedings, for any of the purposes of carrying on and conducting their business as set forth and that the said property in the charge of the Sheriff he surrendered to them, and that all of the process aforesaid he superseded, and their execution he restrained until the final order and judgment in the suit, and that the said several parties he enforced from molesting or disturbing the plaintiffs under the Disfranchising, or prohibiting clauses of the Act aforesaid, and that their liberties he preserved and maintained as they were before the enactment of the said Act, and for special cause for the motion the plaintiffs show 1st.

That the said several proceedings were in violation of the Supremacy arising from the writ of error aforesaid and defeat the same, and is a discharge thereof -

2nd That the exclusive privileges granted by the Act of the General Assembly to the corporation mentioned in the record were not a part of the domain of the General Assembly and that it had no power to grant the same and their Act is void -

3rd That the said Act abridges the privileges and immunities of citizens of the United States, and withdraws and denies protection where it was the duty of the General Assembly to provide for it.

4th That the Act violates the constitutional rights of the plaintiffs as set forth in the record -

of a lamp
for paper

In the Supreme Court of the United States

The Butcher Association of New Orleans
Docket Nos 476-580 Sup Court
Bourbon City live stock landing & slaughter house company

The plaintiffs above named show, that during the month of May 1870, they obtained a writ of error, gave a bond, caused the writ of error to be served by filing a copy in the clerk's office and a return to be served on the defendant within ten days from the final order in the same in the Supreme Court of Louisiana so as to remove said cause to this Court & to be a supersedeas to any execution - all of which will appear from the record on file -

That after this had been done the defendants to defeat the operation of the writs aforesaid & in disobedience of the supersedeas applied to the 8th district court of the parish of Orleans for an order to the City of New Orleans & the Metropolitan Board of Police being municipal authorities in the State of Louisiana to command them to prevent ^{all persons} ~~them~~ from landing, keeping or slaughtering any cattle horses sheep swine or other animals (except the said defendants) & (with the same exception) to prevent and murder any and all persons for having, keeping or establishing any stockyards, yards pens slaughter houses or abattoirs in the City of New Orleans or in the parishes of Orleans Jefferson & St Bernard or to allow the sale or the offer to sell animal meat for food not slaughtered at the houses of the defendants. The order was granted as broadly as it was asked for & it has been executed to prevent the plaintiffs in this court to have any benefit of the writ of supersedeas ~~supplied~~ from the acts mentioned above in the first paragraph of this motion. All of which will appear from the ~~records~~ of the said proceedings.

The 8th district court and the affidavits on file with
the same which are submitted herewith

The plaintiffs move the Court for an order
of injunction & supersedeas to command the ^{said} defendants & the
City of New Orleans, the Metropolitan Board of
Police in no manner to hinder or to prevent the
the plaintiffs from ~~keeping~~ keeping or slaughtering any
animals of the kind before mentioned or of having keeping or
establishing any of the structures before mentioned or
from vending & offering to vend animal food in
the markets of New Orleans & the parishes adjacent as
fully as they could before the passage of the act
incorporating the defendants of the 8th March 1869
or as the defendants are allowed to do by ~~the~~ ^{the} said
act & that a suitable order be made to the said
8th district court to prohibit it from further proceeding
in the premises.

Sup: Court W. F.
1869 Dec Term

~~244 + 348~~
~~N^{os} 476 + 480~~
~~60 + 62~~
8 + 10

Dutchess Benevolent
Assn of New Orleans

D,
Orscent City Live
Stock & Landimg &
'Slaughter Horse Co

Filed 17 October 1870

L. A. C. for help

44
Fagan et al v. La. ex rel Belden, No. 479 USSC, Oct. 1870 Term.

Addendum from Natl Archiv s File No. 5599. (This is a SC file No. for this case.)

Motion for Supersedeas by John Campbell, dated October 17, 1870.

Recites that Writ of Error taken in this case. Notwithstanding, Belden the AG, had the case transferred to the 8th DC and there moved to enforce the judgment, and obtained an attachment against Ps for a breach of the injunction previously rendered by the 5th Dist Court, and obtained an order directing to the Sheriff to enforce the preliminary injunction, and the Sheriff placed a deputy on Ps property (Delery Plantation?) to prevent violations of the injunction. This motion also recites how CC obtained an injunction in the 8th DC directing the City, the police, etc. to enforce the injunction even after the Writ of Error was obtained, and Belden interviewed and adopted the petition, praying that the Act be enforced. It is clearly the purpose of the proceedings in the 8th DC to avoid the writ and disobey the writ of error.

Finally, they aver that the ~~Act~~ ^{several} proceedings are in violation of the supersedeas implied from the Writ of Error; the General Assembly had no power to grant exclusive privileges contained in the Act; the act abridges the power and is of citizenship of the Us and withdraws and denies protection where it had the duty of the General Assembly to provide for it; That ~~that~~ ^{was} violates the constitutional rights of Ps as set forth in the record s/ Campbell.

USSC Mandate, No. 245 Dec. 1870 Term, dated Oct. 19, 1871

Regarding CC and Geo. W. Carter appellants v. LSD appellees in La. SC in which judgment was rendered on April 11, 1870 reversing Dist. Courts judgment against the Ps, dissolving the injunction; on motion of JQA Fellows for Ps in Error, writ of Error is dismissed with costs in favor of CC.

ORDER: Dec. Term 1871, No. 60 and 61. and Nos 8 and 9 of next term, ordered docted 11/9/72: these cases be continued and reargued at the next term.

Wire: d. Dec. 14, 1871 JQA Fellows (from Bristol Tenn) to D.W. Middleton, USSC Clerk: "Missed connection here have cases continued till Tuesday if possible."

By letter of ~~April~~ ^{Nov.} 28, 1871 Fellows talks about the cases he dismissed and asks if date for argument has been set in the other SH Cases. Mentions that Campbell is also anxious to know.

Letter of Dec. 15, 1871, to Middleton, Fellows says he has mailed the briefs and that he and Campbell plan to start Thursday for Wash. so as to be on hand Monday

Letter from Matt H. Carpenter d. Nov. 17, 1871 asks what has the court done with the SH cases. Is there danger that any other of my cases may be reached before Dec. The Clerk answered on Nov. 20, the SH cases had been continued to next term for argument early in December.

On November 15, 1871- Carpenter wired the clerk to beseech the court to excuse me till first or second Monday of Dec.; my doctor says I ought not to work before.--from Milwaukee.

Letter d. Dec. 31, 1872, Durant asks Clerk to have printed--at his expense if necessary-- all manuscript material filed for and against the motion formerly made to dismiss the writs of error. The cases are now fixed for Feb. 3, 1872. The Clerk answered that he would have copies made and send them to Durant for printing.